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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/290,419	04/13/1999	TSUYOSHI KURIBAYASHI	990409	9862

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EXAMINER

ALPHONSE, FRITZ

ART-UNIT	PAPER NUMBER
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2675

DATE MAILED: 03/17/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/290,419

Applicant(s)

Kuribayashi

Examiner

Fritz Alphonse

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 29, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 12, 13, 15, 17-24, 28, 30, 31, 33, 35-43, 47, 49, 50, 52, and 54 is/are rejected.
- 7) ☒ Claim(s) 7-9, 11, 14, 16, 25-27, 29, 32, 34, 44-46, 48, 51, and 53 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2675

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 10, 12-13, 15, 17-24, 28, 30-31, 33, 35-43, 47, 49-50, 52, 54, are rejected under 35 U.S.C. 102(e) as being anticipated by Gillespie (U.S. Pat. No. 5,880,411).

As to claim 1, Gillespie (fig. 1) shows an input processing method for a device which provides input by performing a touch motion on an operating surface (10). Gillespie teaches about detecting the length of time of a non-touch state in which no touch motion is performed on said operating surface (col. 38, lines 13-25); and determining information indicating a touch state in accordance with said detected length of time when a touch motion has occurred (col. 34, lines 52-67).

Art Unit: 2675

As to claim 19, method claim 19 corresponds to apparatus claim 1. Therefore, it is analyzed as previously discussed in claim 1 above.

As to claim 38, this claim differs from claim 1 in that the limitation "recorded medium" is recited in the preamble. Gillespie teaches that motion events are recorded in a register (col. 34, lines 31-37).

As to claims 2 and 20, Gillespie teaches when a touch state occurs, the first step detects the length of time of the non-touch state that follows the touch state (col. 34, lines 52-67).

As to claims 3 and 21 and 40, Gillespie teaches that the state is a touch state whether or not the time is larger than a predetermined length of time (col. 25, lines 22-29).

As to claims 12 and 30, Gillespie (figs. 1, 17) shows an input processing method, including the step of performing information processing in response to a touch state indicating information, and wherein said touch motion is performed using a pen on said operating surface, and said non-touch state is a pen up state, and/or, said touch state is a pen down state.

As to claims 13 and 31, Gillespie (figs. 1, 17) shows an input processing method, wherein said touch motion is performed using a pen on said operating surface, and said non-touch state is a pen up state, and/or said touch state is a pen down state.

As to claims 17-18, 35, 37 and 54, Gillespie discloses an input processing method, wherein said device comprises a display section and said touch motion operating surface (see figure 1) is arranged in said display section, and wherein each of said steps is carried out only when a designated mode is set active (col. 5, lines 4-11).

Art Unit: 2675

As to claims 36 and 39, the claims have substantially the limitations of claims 1-2. Therefore, they are analyzed as previously discussed in claims 1-2 above.

As to claim 49-50, the claims have substantially the limitations of claims 12-13. Therefore, they are analyzed as previously discussed in claims 12-13 above.

As to claims 10, 28 and 47, Gillespie (fig. 1) shows an input processing method including a function for determining information indicating the termination of the touch state (e.g., finger up and finger down) after the function has determined said touch state indicating information and said touch state has ended (col. 35, lines 64 through col. 36, line 6).

As to claims 4-5, Gillespie discloses an input processing method for a device which detects the number of successive occurrences of said touch motion; and determines information indicating a touch state in accordance with the detected number of occurrences (col. 7, lines 10-16).

As to claim 6, the claim has substantially the limitations of claims 4-5. Therefore, it is analyzed as previously discussed in claims 4-5 above.

As to claims 22-24 and 41-43, the claims have substantially the limitations of claims 4-5. Therefore, they are analyzed as previously discussed in claims 4-5 above.

As to claims 15, 33, 52, Gillespie discloses an input processing device which provides input by performing a touch motion on an operating surface. That device detects the number of successive occurrences of a touch motion, and a corresponding mouse operation in accordance with the detected number of occurrences (col. 7, lines 10-16).

Art Unit: 2675

***Allowable Subject Matter***

3. Claims 7-9, 11, 14, 16, 25-27, 29, 32, 34, 44-46, 48, 51, 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leyerle (U.S. Pat. No. 6,097,393) discloses a method and system of entering an attribute of a graphic object in a pen environment.

Perrone et al. (U.S. Pat. No. 6,333,994) discloses a spatial sorting and formatting for a handwriting recognition.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2675

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 ( for Technology Center 2600 only )**


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
F. Alphonse

Art Unit: 2675

March 7, 2003

  
STEVEN SARAS  
SUPERVISORY PERIOD EXAMINER  
TECHNOLOGY CENTER 2600